

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**KATHY TOWNSEND GRIFFIN, *et.al.*,**

**Plaintiffs,**

**vs.**

**ECF CASE  
17-CV-5221 (LLS)**

**EDWARD CHRISTOPHER SHEERAN, *et.al.*,**

**Defendants.**

**PLAINTIFFS' NOTICE OF  
FILING PROPOSED SPECIAL  
VERDICT FORMS FOR  
LIABILITY PHASE OF TRIAL<sup>1</sup>**

---

**COME NOW**, the Plaintiffs, collectively, who provide Notice of Filing Proposed Special Verdict Form for Liability Phase of Trial, as appended immediately hereto and marked as **Exhibits "A" and "B"**.

Dated this 15<sup>th</sup> day of April, 2023

**FRANK & RICE, P.A.**

Respectfully Submitted,

/s/ Patrick R. Frank, Esq.

Patrick R. Frank, Esq.

Florida Bar Number: 0642770

Keisha D. Rice, Esq.

Katherine L. Viker, Esq.

Frank & Rice, P.A.

325 West Park Avenue

Tallahassee, Florida 32301

Telephone: (850) 629-4168

Facsimile: (850) 629-4184

---

<sup>1</sup> Plaintiffs have retained the respective pages to which the Plaintiffs have not objected and have proffered amended charges for those deemed objectionable.

# **EXHIBIT A**

**QUESTION 1**

The Plaintiffs must also prove by a preponderance of the evidence, that the combination of the compositional elements used in *Let's Get It On* are sufficient to be entitled to copyright protection as a selection and arrangement of musical compositional elements.

Have the Plaintiffs proved by a preponderance of the evidence that the specific selection of the compositional elements in *Let's Get It On* are sufficient to be entitled to copyright protection as an original selection and arrangement claim?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer is "No", please skip Questions 2, 3, and 4 and proceed to Question 5. If your Answer is "Yes", please proceed to Question 2.

**QUESTION 2**

The Plaintiffs are also required to prove, by a preponderance of the evidence, that the specific combination of compositional elements used in *Let's Get It On* is original.

Have the Plaintiffs proved by a preponderance of the evidence that the specific selection and arrangement of compositional elements in *Let's Get It On* is original?

YES \_\_\_\_\_

NO \_\_\_\_\_

If your answer is "No", please skip Questions 3, 4, and 4 and proceed to Question 5. If your Answer is "Yes", please proceed to Question 3.

**QUESTION 3**

If you have answered “Yes” to Questions 1 and 2, the Plaintiffs also have to prove, by a preponderance of the evidence, that in creating *Thinking Out Loud*, Ed Sheeran, and Amy Wadge, the authors of *Thinking Out Loud*, copied from *Let’s Get It On*.

Do you find that Plaintiffs have proved by a preponderance of the evidence that, in creating *Thinking Out Loud*, Ed Sheeran and Amy Wadge copied the compositional elements, combinations, arrangements, and/or selections?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer is “No”, please skip Questions 4, and proceed to Question 5.  
If your Answer is “Yes”, please proceed to Question 4.

**QUESTION 4**

If you have answered “Yes” to Questions 1, 2, and 3, the Plaintiffs also have to prove, by a preponderance of the evidence the selection and arrangement of compositional elements of *Thinking Out Loud* is substantially similar to *Let’s Get It On*.

Do you find that Plaintiffs have proved by a preponderance of the evidence that the selection and arrangement of compositional elements in *Thinking Out Loud* are substantially similar to those found in *Let’s Get It On*?

YES \_\_\_\_\_

NO \_\_\_\_\_

Regardless of whether you answered “Yes” or “No” to Question 4, please proceed to Question 5.

**QUESTION 5**

In creating *Thinking Out Loud*, the Plaintiffs also assert that the Defendants, Ed Sheeran and Amy Wadge, copied certain melodies from *Let's Get It On* and that those melodies in *Let's Get It On* and *Thinking Out Loud* are substantially similar. Ed Sheeran and Amy Wadge dispute that they copied any of the melodies from *Let's Get It On* and also dispute that the melodies are substantially similar.

In order to find that the melodies in *Thinking Out Loud* infringe upon the melodies in *Let's Get It On*, the Plaintiffs must prove to you by a preponderance of the evidence, that the Defendants, Ed Sheeran and Amy Wadge, copied one or more melodies from *Let's Get It On* in writing *Thinking Out Loud*.

Do you find that the Plaintiffs proved by a preponderance of the evidence, that in creating *Thinking Out Loud*, Ed Sheeran and Amy Wadge copied one or more melodies from *Let's Get It On*?

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered "No" to any of the Questions 1 through 4 and have answered "No" to Question 5, then stop here and sign and date the last page, and return this verdict form.

If you have answered "Yes" to Question 5, then please proceed to Question 6.

**QUESTION 6**

If you have answered “Yes” to Question 5, then in order to find infringement with respect to the melodies, the Plaintiffs also must prove to you, by a preponderance of the evidence, that, in creating *Thinking Out Loud*, Ed Sheeran and Amy Wadge wrongfully copied one or more of the melodies at issue from *Let’s Get It On*—that is, that one or more of the melodies at issue in *Thinking Out Loud* are substantially similar to one or more of the melodies at issue in *Let’s Get It On*.

Have the Plaintiffs proved to you by a preponderance of the evidence, that the one or more of the melodies at issue in *Thinking Out Loud* are substantially similar to one or more of the melodies at issue in *Let’s Get It On*?

YES \_\_\_\_\_

NO \_\_\_\_\_

You may proceed to the final page and sign and date this Verdict Form.



**Sign and Date this Verdict Form Here:**

**Foreperson's signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# **EXHIBIT B**

**QUESTION 1**

The Plaintiffs have asserted what I have explained to you in my instructions is a selection and arrangement copyright infringement claim.

Have the Plaintiffs proved by a preponderance of evidence, that the specific selection and arrangement of the compositional elements in *Let's Get It On* are enough to be entitled to copyright protection as an original selection and arrangement?

YES \_\_\_\_\_

NO \_\_\_\_\_

If your answer is “No”, please skip questions 2, 3, and 4 and proceed to Question 6. If your answer is “Yes”, please proceed to Question 2.

**QUESTION 2**

Have the Plaintiffs proved by a preponderance of evidence, that the specific selection and arrangement of the compositional elements in *Let's Get It On* was original at the time of its creation?

YES \_\_\_\_\_

NO \_\_\_\_\_

If your answer is “No”, please skip questions 3, and 4, and proceed to Question 5. If your answer is “Yes”, please proceed to Question 3.

**QUESTION 3**

In authoring *Thinking Out Loud*, have the Plaintiffs proved by a preponderance of evidence, that the specific selection and arrangement of the compositional elements in *Let's Get It On* were copied by the Defendants, Ed Sheeran and Amy Wadge?

YES \_\_\_\_\_

NO \_\_\_\_\_

If your answer is "No", please skip question 4 and proceed to Question 5.

If your answer is "Yes", please proceed to Question 4.

**QUESTION 4**

Have the Plaintiffs proved by a preponderance of evidence, that the specific selection and arrangement of the compositional elements in *Let's Get It On* and *Thinking Out Loud* are substantially similar?

YES \_\_\_\_\_

NO \_\_\_\_\_

Regardless of whether you answered "Yes" or "No" to Question 4, please proceed to Question 5.

**QUESTION 5**

Have the Plaintiffs proved by a preponderance of evidence that the Defendants copied the melodies in *Let's Get It On* when they wrote *Thinking Out Loud*?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "No" to any of Questions 1 through 4 and have answered "No" to Question 6, then stop here and sign and date the last page, and return this Verdict Form.

If you have answered "Yes" to Question 5, then please proceed to Question 6.

**QUESTION 6**

Have the Plaintiffs proved by a preponderance of evidence that the melodies in *Thinking Out Loud* are substantially similar to the melodies at issue in *Let's Get It On*?

YES \_\_\_\_\_ NO \_\_\_\_\_

You may proceed to the final page and sign and date this Verdict Form.



**Sign and Date this Verdict Form Here:**

**Foreperson's Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_